

Senate File 2002 - Introduced

SENATE FILE 2002

BY DAWSON

A BILL FOR

1 An Act relating to a probation officer's access to confidential
2 information filed with the court for securing an arrest or
3 search warrant.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.29, subsection 2, Code 2024, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *f.* A probation officer employed by the
4 United States, acting pursuant to 18 U.S.C. §3602.

5 Sec. 2. Section 808.13, Code 2024, is amended to read as
6 follows:

7 **808.13 Confidentiality.**

8 All information filed with the court for the purpose of
9 securing a warrant for a search, including but not limited to
10 an application and affidavits, shall be a confidential record
11 until such time as a peace officer has executed the warrant
12 and has made return thereon. During the period of time that
13 information is confidential it shall be sealed by the court,
14 and the information contained therein shall not be disseminated
15 to any person other than a peace officer, magistrate, court
16 employee, an employee of the department of corrections, if
17 authorized by the director of the department of corrections, ~~or~~
18 an employee of a judicial district department of correctional
19 services, if authorized by the director of the judicial
20 district department of correctional services, or a probation
21 officer employed by the United States, acting pursuant to 18
22 U.S.C. §3602, in the course of official duties.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to a probation officer's access to
27 confidential information filed with the court for securing an
28 arrest or search warrant.

29 Current Code section 804.29 (commencement of actions —
30 confidentiality) provides that all information filed with the
31 court for the purpose of securing a warrant for an arrest shall
32 be a confidential record until such time as a peace officer
33 has made the arrest and has made the officer's return on the
34 warrant, or the defendant has made an initial appearance in
35 court. During the period of confidentiality the information in

1 the record may be disseminated, without court order, during the
2 course of official duties to certain listed persons.

3 The bill provides that a probation officer employed by the
4 United States, acting pursuant to 18 U.S.C. §3602, may have
5 access to information in the record, without court order,
6 during the course of the probation officer's official duties
7 unless access to such information is expressly denied by court
8 order.

9 Current Code section 808.13 (search and seizure —
10 confidentiality) provides that all information filed with
11 the court for the purpose of securing a warrant for a search
12 shall be a confidential record until such time as a peace
13 officer has executed the warrant and has made return thereon.
14 During the period of time that information is confidential it
15 shall be sealed by the court, and the information contained
16 therein shall not be disseminated to any person other than a
17 peace officer, magistrate, court employee, an employee of the
18 department of corrections, if authorized by the director of
19 the department of corrections, or an employee of a judicial
20 district department of correctional services, if authorized
21 by the director of the judicial district department of
22 correctional services, in the course of official duties.

23 The bill adds a probation officer employed by the United
24 States, acting pursuant to 18 U.S.C. §3602 to the list
25 of persons authorized to access otherwise confidential
26 information.